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REMARKS

The foregoing amendment amends Claims 1-5, 8 and 9 and adds new Claim 13.

Objection to the Drawings

The Examiner objected to the drawings alleging that the drawings must show the recited base. The specification describes that the rear wall 18 and the side wall 19 serve as a connecting wall 21 or as a base which interconnects the longitudinal wall 17 and the transverse wall with each other. [0029]. Since the connecting wall or base 21 is illustrated by Figures 3, it is respectfully requested that the objection to the drawings be withdrawn.

The Claimed Invention is Patentable Over the Cited References

The Examiner rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,568,295 to Matsuno ("Matsuno") and rejected Claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 3,465,559 to Rhodes ("Rhodes").

Claim 1

The foregoing amendment to Claim 1 clarifies that the shift lever assembly includes a fitting that includes a base, a first wall extending from the base and fixed to the cross-car-beam and a second wall extending from the base transversely of the first wall and fixed to the cross-car-beam. In the embodiment illustrated by Figure 3, the fitting 16 includes longitudinal wall 17, base 21 and transverse wall 20.

In rejecting Claim 1, the Examiner cited the plates 5, 6 of Matsuno. "Plates 5 and 6 are secured to opposite sides of the bracket 4 via screws 13. The plate 5 having L-shaped configuration is also secured the frame of a vehicle via bolts 'b'." Column 4, lines 10-12; *see also* Fig. 4. Although Matsuno describes plates that are used for attachment, the claimed fitting is distinguishable from the plates since the fitting requires a first wall extending from the base and fixed to the cross-car-beam and a second wall extending from the base transversely of the first wall and fixed to the cross-car-beam (*emphasis added*). Thus, Claim 1 is patentable over Matsuno.

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In rejecting Claim 1, the Examiner alleged that Rhodes describes a cross-car-beam and cited element 10 of Rhodes. Element 10 is a "portion of a vehicle dash structure, sometimes referred to as the instrument panel", which includes "deformable crash padding at 12 and 14." Column 2, line 68-Column 3, line 1. In contrast, Claim 1 requires a cross-car-beam. An exemplary cross-car beam is shown in Figure 4. A comparison of Figure 4 of the specification with Figure 1 of Rhodes illustrates the differences between the claimed cross-car-beam and the instrument panel described by Rhodes. Thus, Claim 1 is patentable over Rhodes.

Claim 8

Claim 8 recites a fitting that includes a longitudinal wall, a transverse wall and a connecting wall that interconnects the longitudinal wall and the transverse wall. The foregoing amendment to Claim 8 clarifies that the cross-car-beam includes a support which includes a longitudinal fitting face that extends in the vehicle longitudinal direction and a transverse fitting face which extends in the vehicle transverse direction, and that the longitudinal wall and the transverse wall are abutted on and fixed to the longitudinal fitting face and the transverse fitting face respectively. In rejecting Claim 8, the Examiner alleged that Rhodes describes a cross-car-beam with a support and cited element 10 of Rhodes and the mounting holes with screws illustrated by Figure 5. Claim 8 requires that the longitudinal wall and the transverse wall of the fitting are abutted on and fixed to the longitudinal fitting face and the transverse fitting face of the support respectively. Rhodes does not describe the claimed relationship between the support and the fitting since Rhodes only illustrates mounting holes with screws.

Claim 8 requires a shift lever device having a device body and a rod slidably supported by the device body. Rhodes describes a shift lever 24 that is slidably supported by a bracket 28. Rhodes does not describe the claimed shift lever since Rhodes describes that the shift lever is supported by the bracket rather than a shift lever device body. Claim 8 also requires that the fitting fixes the shift lever device to the cross-car-beam. As discussed in more detail above, the claimed cross-car-beam is distinguishable from the instrument panel

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described by Rhodes so that Rhodes does not describe a fitting configured to fix the shift lever device to the cross-car beam, as required by Claim 8. Thus, Claim 8 is patentable over Rhodes.

Claims 2-7 and 9-12

Claims 2-7 depend from Claim 1 and Claims 9-12 depend from Claim 8. The dependent claims are patentable for at least the same reasons as the independent claims.

Conclusion

Applicant respectfully requests reconsideration of the present application in view of the foregoing remarks. Applicant further requests that the Examiner call the undersigned attorney if allowance of the claims can be facilitated by a telephone interview.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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